



March 7, 2011

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: *Written Ex Parte Communication*, WC Docket 07-245

Dear Ms. Dortch:

Progress Energy's electric utility operating companies, Progress Energy Carolinas, Inc. and Progress Energy Florida, Inc., serve approximately 3.1 million customers in the Carolinas and Florida.

This letter is in response to FiberLight's allegations against Progress Energy in its February 23, 2011 Written Ex Parte to the Commission. Specifically, FiberLight states in the second paragraph of its letter:

[P]ast applications with Progress Energy in the Clearwater/St Pete area took over 6 months just to get a reply back on the first set of applications and the make ready took over a year to complete on their poles to assure FiberLight had space.

FiberLight's statement is incorrect and is a misrepresentation of the facts.

The actual and complete facts are as follows:

- FiberLight signed a Pole Attachment Agreement with Progress Energy on June 29, 2006.
- From July 19, 2006 through December 18, 2006, FiberLight submitted applications for permission to attach to 1,001 Progress Energy poles.
- The first 152 poles were completed and returned to FiberLight on August 10, 2006 (22 days after the initial request).
- Progress Energy completed the final permit on February 6, 2007.

Progress Energy Florida, Inc.
3300 Exchange Place
Joint Use
Lake Mary, FL 32746

- In early 2007 Progress Energy received notice from FiberLight that they had lost or misplaced completed permits for hundreds of poles and wanted copies so they could start construction. Progress Energy then complied and made duplicate copies of the permits.
- The last make ready work order was completed on March 7, 2007, not one year after permits had been returned as stated by FiberLight.

FiberLight's reference to make-ready taking "over a year to complete" can only be a reference to its *own* failure of the post-attachment inspection process. Progress Energy began post-attachment inspections on a rolling basis in August of 2007 to ensure compliance with the National Electric Safety Code and Progress Energy specifications. Post-attachment inspections were completed in January of 2009. All told, the post-attachment inspections revealed 269 non-compliant FiberLight attachments. It took FiberLight another full year to re-visit and correct the 269 new attachments that failed inspection. During this same period of time, FiberLight was also sent three letters of past due notices for nonpayment of permit work and make ready costs, and was ultimately suspended from any further work for nonpayment.

FiberLight is not typical of Progress Energy's pole attachment licensees in Florida or the Carolinas. Most licensees either construct their facilities in compliance with the NESC and Progress Energy specification in the first instance or timely correct any violations found during post-attachment inspection. But FiberLight's suggestion that Progress Energy "took over a year" to complete make ready is so detached from the facts that we felt compelled to respond.

Sincerely,



Scott Freeburn
Manager, Joint Use
Progress Energy